

Work Plan

for Pesticide Use Enforcement Activities

by

Department of Pesticide Regulation

and the

County Agricultural Commissioner

for

Sonoma County

Fiscal Year 2007/2008

COUNTY

Name: Lisa Correia

Title: Agricultural Commissioner

Dated:

DPR

Name:

Title:

Dated:

Enforcement Work Plan 2007/08

The primary purpose of California's pesticide regulatory program is to regulate pesticide use and ensure proper stewardship of pesticides registered for use. This is done to ensure:

- Public and environmental protection
- A safe workplace for pesticide handlers and agricultural workers
- Pest control licensee competency and responsibility
- The ongoing availability of pesticides essential to the production of food and fiber

California law designates the California Department of Pesticide Regulation (DPR) as the lead agency responsible for delivering an effective statewide pesticide regulatory program. DPR directly regulates many aspects of this program, however the California Legislature delegates local administration of the pesticide use enforcement program to the County Agricultural Commissioners.

This work plan outlines the commitment of the Sonoma County Agricultural Commissioner's Office to continue a quality program of pesticide use enforcement. In this plan we examine the strengths and weaknesses of our program and commit to the continual evaluation and improvement of the quality and effectiveness of our program. Compliance with laws and regulations and protection of people and the environment is our overall goal.

Workload

In 2006/2007 Sonoma County expended 13,306 hours on its Pesticide Use Enforcement (PUE) program. During 2006/2007: 337 inspections were conducted, 227 restricted materials permits were issued, 415 operator identification numbers were issued, 20 investigations were completed, and 439 notices of intent were reviewed. Also, 170 pest control businesses were registered, 62 pest control advisors were registered, and 85 structural pest control operators gave notice.

Resources

Due to limited resources and increased workload in California and Sonoma County, we are unable to predict if we will have the same number of staff hours available for PUE that we have had in the past. In recent years, many of our staff have been required to work in other programs (detection of Glassy-winged Sharpshooter and more recently Light Brown Apple Moth) which has reduced the amount of time they spend in the PUE program. We are anticipating that the same situation could occur in 07/08. We will also have a new biologist joining

our staff this year. Our new biologist will receive training and will be working alongside more experienced biologists to become proficient in the PUE program. The ability of our staff to work more efficiently is dependent on the level of knowledge and training provided to them. Much knowledge can be gained by in-house trainings, but we depend on DPR to provide updates/trainings on new regulations/policies as well as support in developing good inspection skills in our biologists. In addition, several of our staff have not had the opportunity to attend the Basic Inspector Academy sponsored by DPR due to reductions in its availability in recent years. We are anticipating a new inspection manual to be issued by DPR this year, and training by DPR on the new manual will be necessary for our staff.

In Sonoma County we have fifteen field staff, which includes three Deputy Agricultural Commissioners. Although all of our field staff works in the PUE program, there is no one that works full-time in PUE. All of our field staff has responsibilities in a variety of programs. At times, staffing levels and limited resources require us to put a significant amount of time toward programs other than PUE and vice versa. During times of limited resources, we are required to assess what programs are most vital and assign staff accordingly. When this happens, we attempt to minimize any negative impact to all of our programs by ensuring key program elements are achieved. We have designated a program lead person who is responsible for overseeing the program. This lead person provides guidance to staff regarding PUE questions, concerns, regulation updates, etc., and is the primary contact with DPR. In addition, we also have a person designated as the lead person for the Commercial Applicator side of our PUE program. The commercial applicator program includes structural pest control businesses and non-production agricultural pest control businesses. There is ongoing communication between these two lead program people.

We are committed to performing those activities outlined in our core program to the best of our abilities given our staffing levels and resources available. If we are unable to complete all activities outlined, we prioritize our activities based on the protection of people and the environment. We will determine which activities to concentrate on by taking into account past violations, restricted materials, worker safety, and other risk-benefit factors. Our efforts will be concentrated on repeat and serious offenders, especially those dealing with worker health and safety, the public, and the environment.

The Enforcement Response Policy and subsequent Enforcement Response Regulations put into place during 2006/07 had a significant effect on our activities during that time period. We had a total increase of almost 400 hours in the Compliance Actions and Enforcement Actions portion of our program. Increase in these hours is largely due to training a new lead person for the PUE program, writing decision reports, and revisions and improvements to the tracking system for compliance and enforcement actions.

In 2007/08 we will be transitioning from using the DOS-based Restricted Materials Permitting Program (RMPP) to using Restricted Materials Management System (RMMS) as our computer permitting software. We will also be using the Pesticide Regulation & Inspection Management System (AIRS) software and computer tablet technology to collect inspection information. It will take staff some time to adjust to and become efficient using these new technologies.

Operator Identification Number (ID number) issuance is especially important in Sonoma County, although it is not included in the core activities. We issue an average of 566 ID numbers each year. Many of our growers do not use restricted materials but do have employees who handle pesticides and work in their fields. While issuing ID numbers, we take the opportunity to educate growers about important worker safety regulations (including training, worker right-to-know, etc.), drift prevention, endangered species and other topics that help to ensure the protection of people and the environment. We believe taking the time to educate growers during ID number issuance leads to improvements during Compliance Monitoring and a reduction in illnesses of workers and the public. For these reasons we believe it is essential to take time to educate ID number holders during registration and notification.

In fiscal year 2007/08 we will be participating in the Fish Friendly Farming (FFF) special project funded by the Residual Mill Fund. Mendocino, Solano, and Napa County Agricultural Commissioner's offices are also participants. The FFF program implements environmental laws including the Clean Water Act and the Endangered Species Act on private agricultural and ranch lands. The FFF program implements long term changes and improvements to land management, water quality and habitat. The FFF also provides for an objective third party certification of each site by four regulatory agencies: NOAA-Fisheries, the Regional Water Quality Control Board, the California Department of Fish and Game and the County Agricultural Commissioner's office. The FFF program provides an opportunity to encourage voluntary, self-directed environmental stewardship, while ensuring compliance with existing pesticide laws and regulations. This project gives County Agricultural Commissioners the opportunity to encourage pro-active preventative methodologies while ensuring compliance with California's pesticide regulatory program. We project spending approximately 90 hours on the Fish Friendly Farming project including time spent reviewing farm plans, staff training, site review, and field visits.

New regulations regarding respiratory protection for employee pesticide handlers will go into effect January 1, 2008. These new regulations require significant changes in the way employers do business and train their employees. We believe it is very important that outreach to growers and other employers occurs to help them to understand the new requirements. We plan to give outreach presentations at several locally sponsored continuing education meetings as well as at our annual grower meeting.

Other desirable activities include outreach to growers, licensees, and the public and pesticide use report follow-up. These activities will be performed as staffing and resources allow, and as long as they support overall objectives of our program.

Restricted Materials Permitting

The use of all pesticides in California is subject to state and federal rules, and misuse of any pesticide is a violation of these laws. California has additional controls on certain pesticides that could be especially hazardous to human health or the environment if they are used improperly. Only certified applicators or trained persons working under their supervision can use these “restricted materials,” and then only with a permit from the County Agricultural Commissioner, who regulates pesticide use locally.

California requires permits for restricted materials so that the Commissioner can assess in advance potential effects of the proposed application on health and the environment. Permits are time and site specific, and include use practices to reduce adverse effects as much as possible.

Permit Evaluation-Process Evaluation and Improvement Planning

Our biologists are licensed in pesticide use enforcement, and are knowledgeable concerning local farming practices, specific locations, sensitive sites, hazards, local conditions, restrictions that might apply to the farming operation, the materials used, and associated hazards.

Before a permit is issued, the applicant must prove they are qualified to apply/supervise the application of restricted materials, by providing a Private Applicator’s Certificate or by holding a State applicator license. Permits are issued to the operator of the property and are signed by the operator or their authorized representative. Before issuing a permit, the applicant’s file (e.g., previous year’s permit, pesticide use reports, maps, etc.) is reviewed for non-compliances or other concerns that might need to be addressed before the permit is issued. Consideration of alternatives and mitigation measures is discussed with the applicant before the permit is issued. The Biologist issuing the permit reviews any permit conditions with the applicator to discuss specific hazards or concerns that might be associated with the material.

When our office is aware of suitable pesticide alternatives that increase worker safety, lower environmental risk, have comparable efficacy, and are economically similar, our department educates growers regarding the alternatives and encourages the use of these reduced risk materials.

One, two, and three-year permits are issued to growers depending on the type of crop grown, previous noncompliances, etc. Permit applicants with a history of noncompliance are issued single year permits. Some restricted materials, such as field fumigants that have had frequent changes in permit conditions, are issued a single year permit to allow for updating permit conditions, to facilitate increased contact with permittees, and to help ensure the protection of human health and the environment. Food and Agriculture Code section 14007 and Title 3, California Code of Regulations section 6422 provides guidance for the permit process. All permits expire at the end of a calendar year (December 31). The multi-year permits are broken down by the last name of the applicant (i.e., A-H, I-Q and R-Z). All permits issued and denied are reported to DPR on the Pesticide Regulatory Activities Monthly Report (PRAMR). Applicants for which permits have been denied are given due process.

Notices of Intent (NOIs) may be submitted by phone, fax, voicemail, or in-person. The NOI is recorded on an approved form with the required information and an office log is used to document the NOIs. When a NOI is submitted, it is referred to the district deputy in charge of the area where the application is to take place. All NOIs submitted are thoroughly reviewed. If the deputy is unavailable, clerical staff records the information and a licensed biologist then reviews the recorded request. A Restricted Material Permit denial log is on file and denials are reported on the PRAMR. Generally, NOIs must be submitted at least 24 hours in advance of the application to allow for adequate review of the notice and additional action, if necessary. NOIs submitted with less than 24 hours prior notice are approved if the Commissioner determines, due to the nature of the commodity or pest problem, effective control cannot be obtained if the application is delayed or that 24 hours are not necessary to adequately evaluate the intended application.

When an NOI is submitted, the NOI is checked to ensure it is current and consistent with the permit. The proposed application site and surrounding sites are reviewed to assess the level of risk and to determine whether there are any mitigation measures necessary to minimize adverse impacts to human health and the environment. The NOI review may include a review of the permit in our office and/or a field pesticide pre-application site inspection.

All permit files contain maps of the sites on the permit and most sites have geographic information systems (GIS) maps with aerial photography overlays. All maps include information on adjacent areas. If there are sensitive sites that could be impacted by an application, general and or site specific permit conditions are added to the permit. These conditions are reviewed at the time of permit renewal and, if necessary, modified to mitigate environmental, health or economic impacts. General permit conditions are reviewed annually or more frequently, as necessary.

The goal of our Restricted Materials Permitting Program is to ensure that permits are issued as required by the California Food and Agriculture Code, the California Code of Regulations, and guidelines from the California Department of Pesticide Regulation. Additionally, we strive to ensure that equivalency is maintained with the California Environmental Quality Act (Environmental Impact Report), and that people and the environment are protected.

Our Restricted Materials Permitting Program will be reviewed annually or more frequently as needed to ensure our stated goals are being accomplished.

Weaknesses

- Most permits have GIS maps linked in the computer, but some do not
- Field boundaries are parcel based rather than field based

Goals/Objectives

- Issue permits as required by the California Food and Agriculture Code, the California Code of Regulations and guidelines from the California Department of Pesticide Regulation
- Report all permits issued and denied on the PRAMR
- Review and log all submitted NOIs
- Increase the percentage of sites with GIS maps linked in the computer
- Prior to permit issuance season, review with staff the Restricted Materials and Permitting, Volume 3, of the Pesticide Use Enforcement Program Standards Compendium with staff, stressing California Environmental Quality Act (Environmental Impact Report) equivalency requirements
- Confirm that alternatives were considered by the applicant/permittee prior to NOI approval for an application of a restricted material by discussing this with staff at staff and district meetings during permit issuance season (December through April)

Site-Monitoring Plan (Restricted Materials)

The department must review each proposed application of a restricted material to confirm that the application would pose no unacceptable risks or that the permit was conditioned to mitigate identified hazards. When it is determined that only an on-site evaluation will allow an appropriate assessment of risk, the department will conduct a pre-application site inspection.

Site-Monitoring Plan Development

When a permit is applied for, the department reviews the permit application with the applicant to insure that all site maps on the permit are present and current. The department makes periodic inspections to review potential application sites

and identify sensitive areas. When NOIs are submitted, a Deputy Agricultural Commissioner or biologist reviews the NOI and the permit file for sensitive sites or other possible hazards. If the NOI or the permit indicates special circumstances, such as a school adjacent to an orchard or vineyard, or there are reasons for precaution, a pre-application site inspection is performed, and precautions and mitigation measures are discussed with the grower. We have a goal to perform pre-application site inspections on at least five percent of restricted material applications. The number of pre-application site inspections is recorded on PRAMR and the inspection forms are maintained in the applicator's file.

There are very few non-agricultural permits issued in Sonoma County (8-15 permits per year). When they are issued, the permit is conditioned, stating there will be at least one pesticide use inspection per year by our department. NOIs are required, on a case-by-case basis, to the extent necessary to protect the environment and human health.

Pre-application site inspections for soil fumigants are considered high priority. Our goal is 100% pre-application site inspections for soil fumigations due to the complexity of the conditions and the potential for human and environmental hazard. High priority is given to 2,4-D pre-application site inspections due to its potential for environmental hazard. Any restricted material to be applied by air is given high priority for a pre-application site inspection due to the potential for drift. All other NOIs for restricted materials are prioritized for pre-application site inspections depending upon material, hazard potential, location of sensitive sites, history of the applicator, and our staffing level.

Weaknesses

- Some growers do not submit the complete information for NOIs resulting in our need to contact them to ensure the NOI is properly completed

Objectives/Goals

- Report number of inspections performed on PRAMR and maintain inspections in files
- Record all NOIs submitted on log and PRAMR
- Report number of NOIs denied on PRAMR
- Continue to educate growers to ensure NOIs are completely filled out
- Complete pre-application site inspections on at least 5% of restricted material applications

Compliance Monitoring

Effective and comprehensive compliance monitoring is essential to assuring the safety of pesticide handlers, fieldworkers, the public, and the environment.

Compliance monitoring includes pesticide use and records inspections, episode and complaint investigations, and surveillance.

Comprehensive Inspection Program

The county is divided geographically into three districts and by applicator type (agricultural production vs. commercial applicator). There is a Deputy Agricultural Commissioner in charge of each geographical area and a lead person in charge of the general PUE program and commercial applicator team. Biologists are familiar with the areas they work in, allowing them to know local conditions, operators, pesticides used and sensitive sites. The district deputies work closely with the biologists and each other to provide guidance and to ensure that proper decisions are being made. In complex situations the chief deputy will often provide input to the decision making process.

In 2007/08 we will be implementing the AIRS (Automated Inspection and Reporting System) electronic inspection program developed by Statewide Soft. The tablet PCs used with this software will ultimately allow biologists to have access to more comprehensive information about the compliance history of the pesticide users they are inspecting while in the field. Having all inspections entered into the AIRS program will allow for queries to be performed, which will give insight into noncompliance trends, program evaluation and goals.

Biologists are given a specified number of inspections (goals) to conduct within their district each fiscal year. These inspections can be adjusted during the year to respond to noncompliance trends seen during inspections, new regulations, and if necessary, staffing changes. Changes made to the stated goals will be considered with an emphasis on worker and environmental safety. An inspection tracking form has been created that includes all three districts and the commercial applicator program. There is a tracking form to monitor how many inspections have been completed compared to our goal numbers. Other forms track individual inspections conducted by district per month and give a running total for the month, the year and the total inspection target numbers. The district deputy, at a minimum, reviews all inspections for their geographical area. Our method for tracking inspections may change due to the new permit system (RMMS) and the tablet technology (AIRS).

We have established goal numbers for inspections to be done during the fiscal year. These numbers may change during the year to respond to compliance issues seen and/or other changes. Our goal numbers are as follows:

<u>Application Inspections</u>	<u>94</u>	<u>Fumigation</u>	<u>4</u>
		Field & Commodity	4
<u>Agricultural</u>	<u>79</u>	<u>Records Inspections</u>	<u>98</u>
Owner	48	Owner HQ	59
PCB	31	PCB HQ	14
<u>Structural</u>	<u>15</u>	PCB Records	14
Branch I	8	Dealer	6
Branch II	7	Structural HQ	2
<u>Field Worker Safety</u>	<u>19</u>	Structural Records	2
		Advisor	1
<u>Mix/Load</u>	<u>25</u>	Pre-app at least	5%
Owner	18		
PCB	7		

Note: Although they are not counted on the PRAMR, Branch I tarp checks may also be performed

The majority of field inspections (use monitoring and fieldworker) are done on a “random” basis, and the grower/business is not given prior notice. Growers/businesses that have a history of noncompliance are targeted for increased surveillance and additional inspections. Sensitive sites are also given increased surveillance (sites near schools, high traffic roadways, and areas receiving complaints). In addition, aerial applications are given high priority for inspections due to drift potential. Headquarter inspections are conducted on a rotational basis and decisions to inspect can depend on whether they have employees, restricted materials permits, ID numbers, are a pest control business, or have had noncompliance issues. Headquarter inspections are often used as follow-ups to use monitoring or fieldworker inspection noncompliances. The inspection frequency of a dealer is based on their history of noncompliance and they are inspected no less than once every other year.

All inspections are recorded on forms approved by DPR. Biologists are trained to follow the inspection procedures in the Inspection Procedures Manual, and refer to it on a regular basis. The deputies and biologists track inspections that require follow-up action. Inspections are counted on PRAMR, and copies of the inspections will be submitted to DPR along with PRAMR. Compliance actions (Notices of Violation and documented compliance interviews) will also be counted on PRAMR.

Our compliance-monitoring program will be evaluated during the year and at least annually (year-end). This review will focus on noncompliances seen, compliance trends, changes in types of applications/pesticides used, policy/regulation changes, and any other factors that would indicate a change in focus to the compliance-monitoring plan. The internal goals set for inspections will be adjusted as needed to respond to compliance issues. Compliance issues related to worker, environmental and human safety will take priority. Our compliance-monitoring program will concentrate on these areas if a reduction in staff or staff availability requires a reduction in our goals.

Weaknesses

- In some instances forms are not completely filled out, or are filled out incorrectly due to confusion over interpreting directions in the inspection manual

Goals/Objectives

- Inspections performed are recorded on proper forms (paper or electronic)
- Enter all inspections performed into the AIRS database
- Inspections counted on PRAMR
- Copies of inspections submitted to DPR with PRAMR
- Continued education for biologists on how to fill out the inspection forms, and feedback on problems seen with completed inspections
- Adjust headquarters inspections to target those operations with employees (handlers and field workers) and/or restricted material permits
- Continue to follow-up in a timely manner when noncompliances are observed during inspections
- Continue to perform “tarp check” Branch I Structural inspections

Investigation Response and Reporting Improvement

DPR and the County Agricultural Commissioners have the responsibility to investigate episodes that may involve potential or actual human illness or injury, property damage, loss or contamination, and environmental effects alleged to be the result of the use or presence of a pesticide.

Current Program

All investigations that are initiated from receiving a complaint are directly logged on a Pesticide Complaint Log and assigned to a biologist. The on-duty biologist will log the incoming complaint then refer the complaint to the appropriate district deputy for that area. The PUE lead person checks the status of these logged investigations for timeliness and completeness. Investigations referred from the state go to the PUE lead person who distributes them to the district deputy for that specific area to be investigated or commercial applicator lead. Illness

investigations are tracked using the Pesticide Illness Report Log from DPR. There is an internal department due date of 60 days for illness investigations. The chief deputy receives the DPR illness database and tracks outstanding illnesses with the district deputies. Extensions on illnesses are requested as needed from our Enforcement Branch Liaison (EBL). Upon concluding the investigation, an investigative report is submitted to the state, and the investigation is reported on PRAMR.

Overview of a biologist's work is conducted on a regular basis by the district deputies. External training, when made available, is attended whenever possible depending on availability of staff and budget constraints. More complicated investigations are typically assigned to the most experienced staff, though we often use this as an opportunity to have less experienced staff involved for training purposes. All investigations are reviewed prior to their submission to DPR. Any inadequacies in an investigation identified by the lead program person, deputies, or DPR will be addressed through training, either internal or DPR will be asked to provide refresher training.

As outlined in the Investigations Procedures manual, all non-antimicrobial illness investigations will be submitted in the new "narrative" format. Our staff is learning to use this new format, and it is anticipated that more time will be needed to complete illness investigation reports.

Cases are referred to DPR or other appropriate agencies if there are special circumstances (i.e., conflict of interest), or if the scope of the investigation is beyond our county's resources. The county has worked collaboratively with DPR, the Department of Fish and Game, the Regional Water Quality Control Board, and County Environmental Health on complex cases over the past several years.

The California Poison Control System (CPCS) now forwards cases directly to the county. This has resulted in an increased number of illness investigations. The notice sent to the county by CPCS often lacks contact information normally on the Doctor's First Report forwarded by DPR. This has resulted in increased time taken to contact the involved parties, or an inability to contact them and complete the investigation.

Biologists are trained to follow protocol in the Investigation Procedures manual and the Procedural Guidance manual. Sampling kits are maintained at the Santa Rosa and Sonoma offices to allow prompt response when samples need to be taken. Prior to submission to DPR, each investigation is reviewed for completeness by the district deputy, the chief deputy, or the staff member in charge of the commercial applicator program.

Every two to four weeks, the chief deputy checks the progress and status of investigations against the monthly report that DPR sends to the county. The

chief deputy discusses the progress of illnesses at each deputy meeting, which occur about every three to four weeks. If there is a reason that the 120-day timeframe cannot be met for an investigation, the district deputy will complete a Pesticide Illness Investigation Request or email the required information for a Time Extension (PR-ENF-097) and send it to DPR for approval.

All biologists are familiar with the priority criteria and will immediately report any situations to the district deputy that may meet this criteria. The district deputy reports this immediately to the chief deputy who contacts the EBL for notification. The district and chief deputies track compliance with the 60-day timeframe for the Priority Investigation, and the chief deputy keeps the EBL up-to-date on the progress of the investigation. As outlined in the cooperative agreement between the United States Environmental Protection Agency, Region IX, the California Department of Pesticide Regulation, and the California Agricultural Commissioners and Sealers Association, priority investigations will be initiated within 3 days of referral, a progress report will be submitted to DPR within 15 days, and a completed investigation report within 45 days of completion of the investigation. Our policy is to respond to potential priority situations as quickly as possible, usually within an hour.

Weaknesses

- Completion of Investigations may be delayed due to contacting the injured party multiple times, this appears to be caused by a lack in planning and preparation prior to contacting the injured party
- Some investigation reports recently could be written more comprehensively to include all pertinent information
- Some investigations have been submitted to DPR after the 120-day submittal period without requesting an extension

Goals/Objectives

- Submit all investigations to DPR within the 120-day submittal period or request an extension in a timely and appropriate manner
- To ensure quality of reports, have PUE program lead person review all illness reports prior to submittal to DPR
- Have biologists contact the injured party as soon as possible to begin the investigation, but not until after they have planned and developed the information/questions needed in this situation

Enforcement Response

To realize the full benefits of a comprehensive and effective statewide pesticide regulatory program, DPR and the County Agricultural Commissioners must apply our enforcement authority fairly, consistently, and swiftly. Our joint enforcement response should emphasize worker and environmental safety to help noncompliances.

Purpose of Sonoma County's Pesticide Enforcement Program:

- Focus on firm and fair action for pesticide violators
- Prompt response to incidents when laws and regulations have been violated
- Removal of any economic advantage or savings realized by noncompliance
- Consistent and appropriate application of enforcement responses
- Escalation in level of enforcement for repeat violators
- Outreach and education to pesticide users to aid in the means for compliance, educate them before they have noncompliance problems

Enforcement Response Evaluation

Compliance is tracked electronically and through records kept in individual files. When a noncompliance is found during an inspection, it is noted on the inspection form. The respondent's compliance history is reviewed by checking the information in the database and their file. The deputy, with input from the biologist(s), determines what action should be taken. The level of action is determined according to the type of noncompliance, history and the enforcement response regulations. The chief deputy and PUE program lead person meet to review noncompliances on approximately a weekly basis, or as needed. The violation in question is compared to the enforcement response regulations listed in Title 3, California Code of Regulations, taking into account any previous violations of a similar nature during the past two years. The county will call their EBL for regulatory clarification and guidance as necessary.

The enforcement response regulation (Title 3, California Code of Regulations section 6128) is followed, and if the regulation allows a choice, we make the decision based on compliance history, and the nature of the violation (i.e., threatens human health, the environment or is paperwork related). The type of action is chosen with sustained compliance as the goal. A documented compliance interview or other compliance action will be used when appropriate. A PUE noncompliance tracking record may be examined for uniformity.

When determining a fine amount, the violation classes and amounts defined in Title 3, California Code of Regulations section 6130 are used. The category is first determined, (i.e., Class A, B or C). After determining the appropriate class of the violation, the circumstances of the violation are weighed for their potential or actual damage to human health or the environment. The respondent's history and response, willful intent, or the potential for negligence are also factored in to determine the amount of the fine within the ranges defined in the regulation.

A Notice of Proposed Action (NOPA) in a format approved by DPR is sent with evidence attached via certified mail to the respondent. In the NOPA, the

respondent is given the opportunity to request a hearing within 20 calendar days, or to stipulate to the violation(s) and pay the fine. A brief description of the violation and appropriate code section is cited in the NOPA and are attached so that the language is consistent with the regulations.

An Administrative Civil Penalty log is kept for proof of due diligence. No action is taken on any violation more than two years after the violation was committed. The log also helps to ensure that the pending action is completed.

Upon completion of enforcement actions, enforcement/compliance action summaries are submitted to DPR with the PRAMR.

The goal of our enforcement program is to ensure a fair, consistent and swift response to noncompliances with future compliance as the end result. We will review our enforcement program periodically and at least annually to determine that our goals are being met and if not, make appropriate changes.

Weaknesses

- NOPAs may take longer to write/issue than ideal, due to workload and prioritization
- Some biologists have not written NOPAs before or have written them infrequently, which can delay the process

Goals/Objectives

- Complete Enforcement/Compliance Action Summaries and submit to DPR at the completion of an enforcement action
- Record all enforcement actions on PRAMR
- Send copy of the NOPA to DPR at the time it is mailed to the respondent
- Continue working on creating sample compliance actions that biologists can use to help write Notices of Violation
- Give timeframe to complete NOPAs at time of assignment to assist in its timely completion
- Continue working on creating templates and sample NOPAs that can assist in timely writing of NOPAs
- Continue working on creating sample enforcement actions that biologists use to write NOPAs

Summary

The Sonoma County Agricultural Commissioner's Office is committed to continuing a quality pesticide use enforcement program. We believe that through implementation of this plan and our commitment to continue evaluating and improving the core components of our work plan (Restricted Materials Permitting, Compliance Monitoring, and Enforcement Response), as well as other desired activities (outreach to pesticide users, ID number issuance, and use report

follow-up), we can continue to meet the primary purpose of California's pesticide regulatory program:

- Protection of the public and the environment
- A safe workplace for all pesticide handlers and agricultural workers
- The ongoing availability of pesticides essential to the production of food and fiber

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